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SAG COMMENTS

SUBJECT: Draft Executive Order: Protection of National
Security Information

The Security Analysis Group (SAG) has reviewed the draft executive orders as requested. We find no specific counter-intelligence problems with this proposal as written. However, there are several areas in need of clarification from the personnel security standpoint (see below). Overall, the two orders make a useful distinction between suitability issues affecting employment and security issues affecting the granting or denial/revocation of a clearance. And, Section 6 makes a very timely and specific point about liaison obligations in providing lead information--an area of recent interest to the PSI Directorate.

The first sentence in Section 2 appears to be garbled; perhaps the word "of" has been omitted. At the beginning of Section 3, there should be mention of past conduct as constituting a potential vulnerability; it is not enough to set a standard only relating to present or future conduct. The wording of Section 3, of course, reflects that what otherwise might be thought of as suitability issues can play a role in determining an individual's clearance status; this is an area where the two draft executive orders properly overlap. (SAG's case experience, particularly in espionage matters, has repeatedly demonstrated that such suitability factors can be indicators of counterintelligence problems to come.) The final sentence of Section 3 may have to be redrafted to reflect the appeal process in the SCI world.

Section 4 protects Office of Security interests by making hiring or placement contingent upon the granting of a clearance in an agency which routinely applies security standards. At the same time, allowance is made for special situations and exceptions with the appropriate approvals.

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Some argument can be made that Office of Security interests are best served by keeping the distinction between suitability (employment) and security (clearability) issues vague and ill-defined. However, the drafting of these separate executive orders plainly suggests that the first is not meant to draw issues away from the second and exclude them from consideration in a security environment; hence, the repetition of issues in the second order. A reasonable interpretation of the first proposal is that it is aimed at providing hiring and screening standards which are basic in nature to all agencies of the federal government, including those outside the Intelligence Community. The employment standards, of course, can be applied by Intelligence Community members even when specific security problems are not present.

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